



Douglas Mueller COMPANY:

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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

**Fax Notes:**

Draft examiner's amendment for 10/522,887, based on claims filed 7/27/2009.

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### DRAFT EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with  
aaa on aaa.

The application has been amended as follows:

#### Amendments to the specification:

Insert the following paragraph after the last paragraph on page 10 of the specification:

#### Deposit Information

A deposit of at least 2500 seeds of transgenic indica rice variety designated Godavari 8 has or will be been made with \_\_\_\_\_. The date of deposit is \_\_\_\_\_ and the accession number for the deposited seeds of transgenic indica rice variety designated Godavari 8 is Accession No. \_\_\_\_\_. A deposit of at least 2500 seeds of transgenic indica rice variety designated Salween 2 has or will be been made with \_\_\_\_\_. The date of deposit is \_\_\_\_\_ and the accession number for the deposited seeds of transgenic indica rice variety designated Salween 2 is Accession No. \_\_\_\_\_. Additionally, Applicant has or will satisfy all the requirements of 37 C.F.R. § 1.801-1.809.

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**Claim amendments:**

Claims 17-20, 24-25 and 29-33 are cancelled.

23. (Currently amended) The A transgenic indica rice variety designated Godavari 8 ~~produced by the method according to claim 17, representative seed of said transgenic indica rice variety having been deposited under XXXX Accession Number XXXX wherein the mature transgenic plants of said rice variety display increased superoxide dismutase (SOD) activity as compared to a corresponding plant variety without said expression vector of step (a) in the presence of environmental stress.~~

34. (New) A transgenic indica rice variety designated Salween 2, representative seed of said transgenic indica rice variety having been deposited under XXXX Accession Number XXXX.

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**REQUIREMENT OF ALLOWANCE UNDER 37 CFR 1.801-1.809**

The Deposit Statement in the specification is deemed in accordance with 37 CFR 1.801-1.809. Since the application is otherwise in condition for allowance except for the needed deposit of seed, and since the Office has received written assurance that an acceptable deposit will be made on or before payment of the issue fee, the Office is authorized to mail Applicant a Notice of Allowance and Issue Fee Due together with a requirement that the needed deposit be made within THREE (3) MONTHS of the mail date of this letter (see 37 CFR 1.809(c)).

As set forth in 37 CFR 1.809(c), Applicant is required to deposit 2500 seeds of the claimed plant within THREE (3) MONTHS of the mail date of this letter; thus the time for making the deposit is on or before the payment of the issue fee. Although the time period for paying the issue fee cannot be extended, the time period for satisfying the deposit requirement may be extended under the provisions of 37 CFR 1.136. Failure to make the needed deposit of 2500 seeds will result in abandonment of the application for failure to prosecute.

Applicant is reminded that once the deposit of seed has been made, information regarding the date of deposit, description of the deposited material including number of seeds deposited, name and address of the depository, and the accession number must be added to the specification in order to comply with 37 CFR 1.809(d). In addition, the claims must be amended to replace the blank " " with the appropriate Accession Number. Amendments to the specification and the claims should be submitted before the payment of the issue fee as an Amendment After Allowance under 37 CFR 1.312. If the amendment is received after the payment of the issue fee, the same should be made under the provisions of 37 CFR 1.312(a) and a petition filed under 37 CFR 1.183 to waive the requirement of 37 CFR 1.312 that the amendment be filed before or with

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payment of the issue fee; that is, it must be accompanied by a fee in accordance with 37 CFR

1.17(i) and a petition which includes a "showing of good and sufficient reasons why the

amendment is necessary and was not earlier presented, and why justice requires waiver of the

rule."